

- WHEREAS, nearly twenty-four million American children and adults – including 15,000 children every year – have diabetes, a serious disease that has no cure, and another 54 million Americans have pre-diabetes, a condition that puts them at the highest risk for developing type 2 diabetes; and
- WHEREAS, another 54 million Americans have pre-diabetes, a condition that puts them at the highest risk for developing type 2 diabetes; and
- WHEREAS, diabetes is the fifth-leading cause of death by disease in the United States, and more than one third of the people with diabetes (6.2 million Americans) don't know that they have the disease; and
- WHEREAS, millions of Americans lack access to the care, treatment, and education needed to manage the disease and prevent its serious and costly complications, including heart disease, stroke, kidney failure, blindness, and lower-limb amputation; and
- WHEREAS, an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before developing the disease and its devastating complications; and
- WHEREAS, The United Nations General Assembly has designated the current World Diabetes Day, November 14, as a United Nations Day, to be observed every year beginning in 2007; and
- WHEREAS, The United Nations encourages supporters of the UN Resolution on Diabetes to fight the worldwide epidemic by helping to ensure that individuals with diabetes have access to care, treatment, and education; let it therefore be

NOW, THEREFORE, I,  
Thomas P. Hanafan, Mayor  
of the  
City of Council Bluffs, Iowa  
do hereby proclaim  
November 14, 2009  
as

## **National Diabetes Day**

In the City of Council Bluffs, Iowa and, and encourage all citizens to help fight this disease and its life-threatening complications by increasing awareness of the risk factors for diabetes, making healthy lifestyle choices, and by providing care and treatment to those suffering from diabetes.

*IN WITNESS THEREOF*, I have caused my  
signature and seal of the City of Council Bluffs,  
Iowa to be affixed hereto this 9th day of November,  
in the year Two Thousand and Nine.

**Council Communication**

Department: Finance Director: Art Hill	Ordinance No.: N/A  Resolution No.: <u>09 -316</u>	Council Action: <u>11/9/09</u>
<div style="text-align: center;"><b>Subject/Title</b></div> East Manawa Sewer Phase II "Green Project" grant application.		
<div style="text-align: center;"><b>Background/Discussion</b></div> <p><u>Background</u> The City of Council Bluffs prepared and submitted a grant application to the Iowa Finance Authority regarding costs associated with the East Manawa Sewer Phase II Project.</p> <p><u>Discussion</u> The grant application has tentatively been approved subject to authorization of the City Council in the amount of \$1,073,520. Of this amount 20% would be in the form of a forgivable loan and 80% would become an obligation of the City, bearing an interest rate of 3% through the State of Iowa Revolving Fund.</p>		
<div style="text-align: center;"><b>Staff Recommendation</b></div> The Finance Director recommends approval of Resolution, setting a Public Hearing for November 23, 2009.		

\_\_\_\_\_  
Art Hill, Finance Director

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$1,800,000 SEWER REVENUE CAPITAL LOAN NOTES OF COUNCIL BLUFFS, IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE  
AUTHORIZATION OF A LOAN AND DISBURSEMENT  
AGREEMENT AND THE ISSUANCE OF NOT TO  
EXCEED \$1,800,000 SEWER REVENUE CAPITAL LOAN  
NOTES OF COUNCIL BLUFFS, IOWA, AND PROVIDING  
FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Council Bluffs, Iowa, should provide for the authorization of a Loan and Disbursement Agreement and the issuance of Sewer Revenue Capital Loan Notes, in the amount of not to exceed \$1,800,000, as authorized by Sections 384.24A and 384.82, Code of Iowa, as amended, for the purpose of providing funds to pay costs as hereinafter described; and

WHEREAS, the City has applied for a loan through the Iowa Water Pollution Control Works Financing Program pursuant to which the Iowa Finance Authority has agreed to purchase the City's Notes and has requested that such Notes be issued as a single Note in a denomination equal to the total amount of the issue as authorized by Chapter 384 of the City Code of Iowa; and

WHEREAS, the Loan and Disbursement Agreement and Note shall be payable solely and only out of the net earnings of the Municipal Sewer System and shall be a first

lien on the future net earnings of the Utility; and shall not be general obligations of the City or payable in any manner by taxation and the City shall be in no manner liable by reason of the failure of the net revenues to be sufficient for the payment of the Loan and Disbursement Agreement and Note; and

WHEREAS, before a Loan and Disbursement Agreement may be authorized and Sewer Revenue Capital Loan Notes issued to evidence the obligation of the City thereunder, it is necessary to comply with the provisions of the City Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Council proposes to take action for the authorization of the Loan and Disbursement Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the City to such action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_ .M., on the 23<sup>rd</sup> day of November, 2009, for the purpose of taking action on the matter of the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City thereunder, the proceeds of which will be used to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the issuance of the Notes.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE CITY COUNCIL OF THE  
CITY OF COUNCIL BLUFFS, IOWA ON THE MATTER  
OF THE PROPOSED AUTHORIZATION OF A LOAN  
AND DISBURSEMENT AGREEMENT AND THE  
ISSUANCE OF NOT TO EXCEED \$1,800,000 SEWER  
REVENUE CAPITAL LOAN NOTES, AND THE PUBLIC  
HEARING ON THE AUTHORIZATION AND ISSUANCE  
THEREOF

PUBLIC NOTICE is hereby given that the Council of the City of Council Bluffs, Iowa, will hold a public hearing on the 23<sup>rd</sup> day of November, 2009, at \_\_\_\_\_ o'clock \_\_\_\_ M., in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take additional action for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System. The Notes will not constitute general obligations or be payable in any manner by taxation, but will be payable from and secured by the net revenues of the Municipal Sewer System.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the City, to the above action. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action for the authorization of said Loan and Disbursement Agreement and the issuance of Notes or will abandon the proposal to issue the Notes.

This Notice is given by order of the Council of Council Bluffs, Iowa, as provided by Sections 384.24A and 384.83 of the City Code of Iowa, as amended.

Dated this 9<sup>th</sup> day of November, 2009.

---

City Clerk of Council Bluffs, Iowa

(End of Notice)

PASSED AND APPROVED this 9<sup>th</sup> day of November, 2009.

---

Mayor

ATTEST:

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City Clerk

## CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this  
day of \_\_\_\_\_, 2009.

City Clerk, Council Bluffs, Iowa

SEAL

CMA YER\636335.I\WP10342095

**Council Communication**

Department: Finance Director: Art Hill	Ordinance No.: N/A  Resolution No.: <u>09 -317</u>	Council Action: <u>11/9/09</u>
<b>Subject/Title</b>		
Wastewater Treatment Plant “Green Project” grant application.		
<b>Background/Discussion</b>		
<u>Background</u> The City of Council Bluffs prepared and submitted a grant application to the Iowa Finance Authority regarding costs associated with the Wastewater Treatment Plant.		
<u>Discussion</u> The grant application has tentatively been approved subject to authorization of the City Council in the amount of \$463,681. Of this amount 20% will be in the form of a forgivable loan and 80% would become an obligation of the City, bearing an interest rate of 3% through the State of Iowa Revolving Fund.  This grant is part of a series of improvements planned for the Wastewater Treatment Plant, estimated to cost as much as \$6,568,000. On May 11, 2009 the City Council held a Public Hearing and approval was given for up to \$5,500,000 for improvements to the plant. In view of the added improvements and addition to the scope of the project; staff requests the City Council to set a Public Hearing for November 23, 2009 to discuss increasing the amount of authorized borrowing to \$6,586,000.		
<b>Staff Recommendation</b>		
The Finance Director recommends approval of Resolution, setting a Public Hearing for November 23, 2009.		

\_\_\_\_\_  
Art Hill, Finance Director

\_\_\_\_\_  
Thomas P. Hanafan, Mayor



Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$1,100,000 SEWER REVENUE CAPITAL LOAN NOTES, OF COUNCIL BLUFFS, IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE  
AUTHORIZATION OF A LOAN AND DISBURSEMENT  
AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED  
\$1,100,000 SEWER REVENUE CAPITAL LOAN NOTES, OF  
COUNCIL BLUFFS, IOWA, AND PROVIDING FOR  
PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Council Bluffs, Iowa should provide for the authorization of a Loan and Disbursement Agreement and the issuance of Sewer Revenue Capital Loan Notes, in the amount of not to exceed \$1,100,000, as authorized by Sections 384.24A and 384.82, Code of Iowa, as amended, for the purpose of providing funds to pay costs as hereinafter described; and

WHEREAS, the Loan and Disbursement Agreement and Note shall be payable solely and only out of the net earnings of the Municipal Sewer System and shall be a first lien on the future net earnings of the Utility; and shall not be general obligations of the City or payable in any manner by taxation and the City shall be in no manner liable by reason of the failure of the net revenues to be sufficient for the payment of the Loan and Disbursement Agreement and Note; and

WHEREAS, before a Loan and Disbursement Agreement may be authorized and Sewer Revenue Capital Loan Notes, issued to evidence the obligation of the City thereunder, it is necessary to comply with the provisions of the City Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Council proposes to take action for the authorization of the Loan and Disbursement Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the City to such action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_ M., on the 23<sup>rd</sup> day of November, 2009, for the purpose of taking action on the matter of the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes, to evidence the obligations of the City thereunder, the proceeds of which will be used to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the issuance of the Notes.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY OF  
COUNCIL BLUFFS, IOWA ON THE MATTER OF THE PROPOSED  
AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT  
AND THE ISSUANCE OF NOT TO EXCEED \$1,100,000 SEWER  
REVENUE CAPITAL LOAN NOTES, AND THE PUBLIC HEARING  
ON THE AUTHORIZATION AND ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Council of the City of Council Bluffs, Iowa, will hold a public hearing on the 23<sup>rd</sup> day of November, 2009, at \_\_\_\_\_ o'clock \_\_\_\_ M., in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take additional action for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes, to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System. The Notes will not constitute general obligations or be payable in any manner by taxation, but will be payable from and secured by the net revenues of the Municipal Sewer System.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the City, to the above action. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action for the authorization of said Loan and Disbursement Agreement and the issuance of Notes or will abandon the proposal to issue the Notes.

This Notice is given by order of the Council of Council Bluffs, Iowa, as provided by Sections 384.24A and 384.83 of the City Code of Iowa, as amended.

Dated this 9th day of November, 2009.

---

City Clerk of Council Bluffs, Iowa

(End of Notice)

PASSED AND APPROVED this 9<sup>th</sup> day of November, 2009.

---

Mayor

ATTEST:

---

City Clerk

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this  
day of \_\_\_\_\_, 2009.

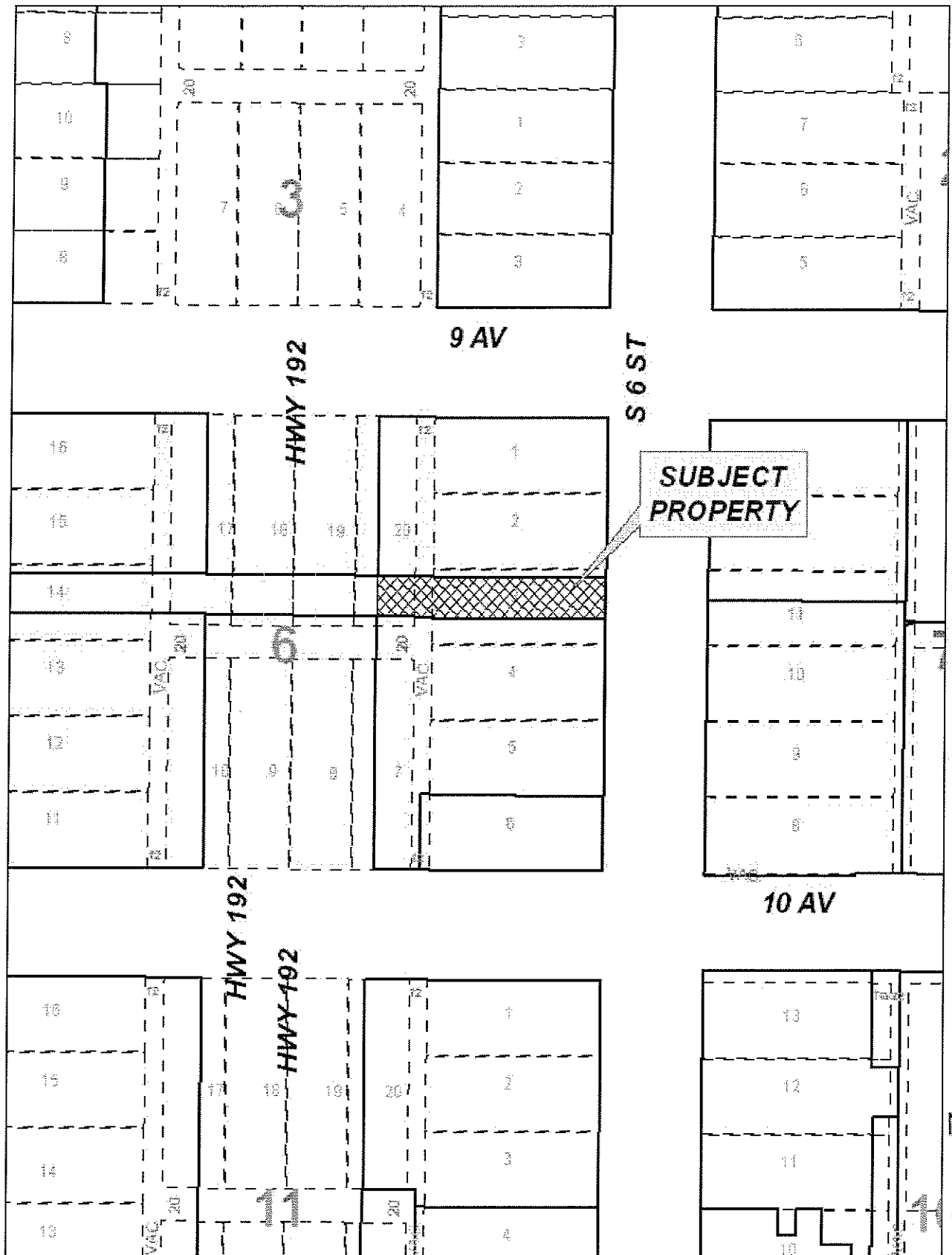
City Clerk, Council Bluffs, Iowa

SEAL

## Council Communication

Department: Community Development  Offer To Buy City Property  Applicant: Pottawattamie County Development Corporation	Resolution of Intent No. <u>09-302</u>  Resolution to Dispose No. <u>09-318</u>	Set Public Hearing: <u>10/26/09</u>  Public Hearing: <u>11/09/09</u>
<b>Subject/Title</b> Request of Pottawattamie County Development Corporation (PCDC) purchase a 24' x 148.8' portion of City owned property lying between 9 <sup>th</sup> and 10 <sup>th</sup> Avenues, west of South 6 <sup>th</sup> Street.		
<b>Background/Discussion</b>  The Pottawattamie County Development Corporation (PCDC) has submitted an Offer to Buy a strip of former railroad right-of-way located in Block 6, Riddles Subdivision lying between 9 <sup>th</sup> and 10 <sup>th</sup> Avenues, west of South 6 <sup>th</sup> Street. This parcel, which the City purchased from the Union Pacific Railroad in early 2001, is 24 feet wide and 148.8 feet wide for a total of 3,571.2 square feet. It is located directly south of the former Senior Center at 900 south 6 <sup>th</sup> Street. After it is acquired by PCDC, this strip and the parcels to the north and south will be sold to the Council Bluffs Community Health Center for a new community health care facility, once funding is secured.  PCDC has offered \$4,857.81, which is the same price per square foot as paid by the City when it was acquired from the railroad.		
<b>Recommendation</b> The Community Development Department recommends disposal of the former railroad property described above to PCDC for \$4,857.81		
<b>Attachment:</b> Location map. <b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department		

OFFER TO BUY - PCDC



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 09-318

A RESOLUTION AUTHORIZING DISPOSAL OF CITY OWNED PROPERTY DESCRIBED AS A 24' X 148.8' STRIP OF FORMER RAILROAD RIGHT-OF-WAY IN BLOCK 6, RIDDLES SUBDIVISION LOCATED BETWEEN 9<sup>TH</sup> AND 10<sup>TH</sup> AVENUES, WEST OF SOUTH 6<sup>TH</sup> STREET.

WHEREAS, This City Council previously expressed its intent to dispose of a 24' x 148.8' strip of former railroad right-of-way in Block 6, Riddles Subdivision located between 9<sup>th</sup> and 10<sup>th</sup> Avenues, west of South 6<sup>th</sup> Street, more fully described on attached Exhibit A; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Pottawattamie County Development Corporation and all successors in interest: A 24' x 148.8' strip of former railroad right-of-way in Block 6, Riddles Subdivision located between 9<sup>th</sup> and 10<sup>th</sup> Avenues, west of South 6<sup>th</sup> Street, more fully described on attached Exhibit A, for the sum of \$4,857.81.

ADOPTED  
AND  
APPROVED:

November 9, 2009

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk





Sheet 2 of 2

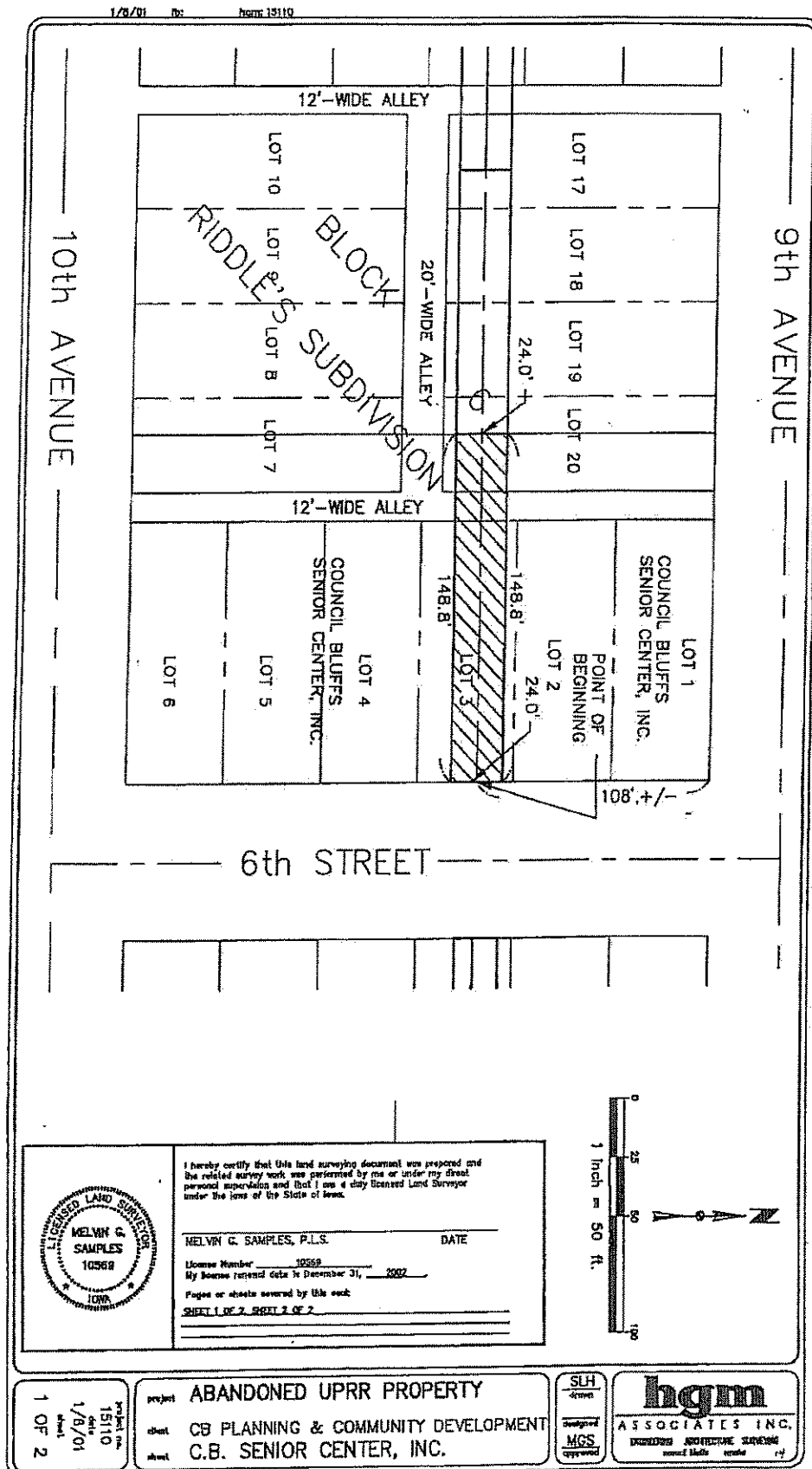
A strip of land, 24.0 feet in width, being a portion of Block 6, Riddle's Subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, said strip being all of that land lying between lines that are parallel with and 12.0 feet on each side of the following described centerline:

Commencing at the northeast corner of said Block 6;

thence southerly, along the east line of said Block 6, 108 feet, more or less, to a point on the centerline of a railroad track as formally constructed and operated, said point being the TRUE POINT OF BEGINNING;

thence westerly, along said centerline of track, 148.8, more or less, to the intersection with the northerly prolongation of the westerly line of a parcel of land as conveyed by Jake E. Crookham to Council Bluffs Senior Center, Inc. by Warranty Deed dated April 4, 1984, recorded April 4, 1984 in Book 84, Page 17830 Records of the Pottawattamie County Recorder, said intersection being the terminus of said centerline description.

Said strip contains an area of 0.082 acres, more or less.



## COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. \_\_\_\_\_

First Reading November 9, 2009

Case/Project No.: FY10-19

Resolution No. 09-319

Applicant: Greg Reeder, Public Works Director

### SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting December 8, 2009, at 10:00 a.m. as the date and time for the bid opening for Waste Water Treatment Plant Recirculation Pump Station/Motor Control Center Replacement and Controls Upgrade. Project #FY10-19.

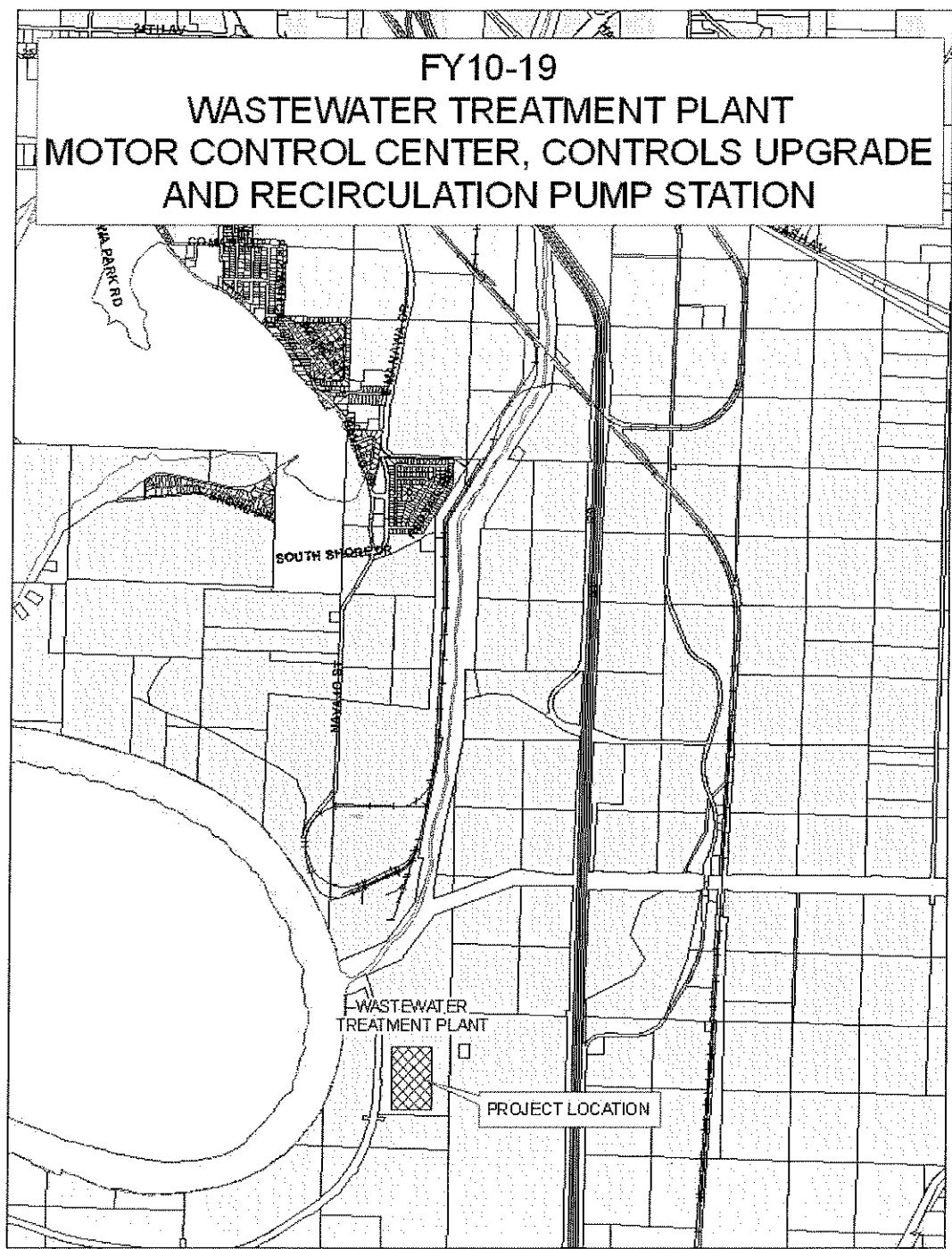
### BACKGROUND/DISCUSSION

- The present Waste Water Treatment Plant Motor Control Center (MCC) has been in service for 36 years.
- The MCC has experienced corrosion of the electrical and mechanical control components.
- Many of the original components can no longer be replaced or repaired because the parts are no longer produced.
- All breakers, disconnects, motor stations, and variable frequency drives (VFD's) and related electrical equipment will be replaced.
- The effluent re-use water pumps will be upgraded with new more efficient and higher capacity pumps to meet present and future needs.
- The existing outdated pump controls would be replaced with modern PLC equipment.
- Three existing flow motors, which cannot be repaired due to lack of parts will be replaced.
- This project has been approved as a State Revolving Fund Green Project in the amount of \$500,000. Twenty percent or \$100,000 of this amount is forgivable due to American Recovery and Reinvestment Act funds. The loan will be repaid through sales tax revenues.
- Project must be let by January, 2010, to be eligible for this funding.
- This project schedule is:

Set Public Hearing	October 26, 2009
Hold Public Hearing	November 9, 2009
Letting	December 8, 2009
Award	December 14, 2010
Construction	Summer 2010

### RECOMMENDATION

Approval of this resolution.



FY10-19

WASTEWATER TREATMENT PLANT  
MOTOR CONTROL CENTER, CONTROLS UPGRADE  
AND RECIRCULATION PUMP STATION

WASTEWATER  
TREATMENT PLANT

PROJECT LOCATION

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,  
FORM OF CONTRACT AND COST ESTIMATE FOR THE  
WASTE WATER TREATMENT PLANT  
RECIRCULATION PUMP STATION/MOTOR CONTROL  
CENTER REPLACEMENT & CONTROLS UPGRADE  
FY10-19**

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on October 26, 2009.

That the plans, specifications, form of contract and cost estimate are hereby approved for the Waste Water Treatment Plant Recirculation Pump Station/Motor Control Center Replacement & Controls Upgrade and the City Clerk is hereby authorized to advertise for bids for said project.

November 9, 2009

Marcia L. Worden, City Clerk

## Council Communication

Department: Parks, Recreation and Public Property	Ordinance No. _____  Resolution No. <u>09-321</u>	Council Date: <u>11/9/2009</u>
Case/Project No.		
Applicant: Larry N. Foster		
<b>Subject/Title</b>		
City Council consideration of a resolution approving plans, specifications, and form of contract for the Wabash Trace to the Bob Kerrey Pedestrian Bridge Trail Rehabilitation Project and authorizing the City Clerk to advertise the Iowa Department of Transportation's (IDOT) bid letting date for December 15, 2009, at 10:00 a.m.		
<b>Background/Discussion</b>		
<p>This project will rehabilitate portions of the existing trail from the Wabash Trace to the Bob Kerrey Pedestrian Bridge. This includes removal and replacement of some sections of the trail, and crack filling and surface sealing for other trail portions.</p> <p>Previously, on April 13, 2009, the City Council authorized the Mayor to enter into an Agreement with the Iowa Department of Transportation to provide funding for this project from the 2009 American Recovery and Reinvestment Act (ARRA).</p> <p>Also, on April 13, 2009, the City Council approved HGM Associates, Inc., to provide the project's professional design and engineering services.</p> <p>Currently, the Engineer's estimate for this project is \$523,796.62 and the ARRA funding allocated for this project is \$543,866.00.</p>		
<b>Recommendation</b>		
I recommend that the City Council adopt the resolution approving plans, specifications and form of contract for the Wabash Trace to the Bob Kerrey Pedestrian Bridge Rehabilitation Project and authorize the City Clerk to advertise for bids for said project and setting bid date December 15, 2009.		

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Larry N. Foster

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Thomas P. Hanafan

RESOLUTION NUMBER 09-321

RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND FORM OF  
CONTRACT FOR THE WABASH TRACE TO THE BOB KERREY  
PEDESTRIAN BRIDGE PROJECT.

WHEREAS, The City of Council Bluffs desires to repair the section of trail from the Wabash Trace to the Bob Kerrey Pedestrian Bridge; and

WHEREAS a Notice of Public Hearing was published as required by law and a Public Hearing was held on November 9, 2009

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Plans, Specifications and Cost Estimate for the Wabash Trace to the Bob Kerrey Pedestrian Bridge Project are hereby approved and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED  
AND  
APPROVED

November 9, 2009

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, City Clerk



## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. \_\_\_\_\_ First Reading November 9, 2009  
Case/Project No.: FY11-09 Resolution No. 09-320  
Applicant: Greg Reeder, Public Works Director

### SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting December 8, 2009. at 10:00 a.m. as the date and time for the bid opening for East Manawa Storm Sewer-Phase II. Project #FY11-09.

### BACKGROUND/DISCUSSION

- The area of East Manawa is very flat with open ditch drainage. There are no storm sewers in this area and during intense rainfall events considerable surface ponding occurs. The streets are thin asphalt and also drain poorly.
- Due to the narrowness of the right-of-way (30 ft.) and to the high water table in the area, conventional storm sewer construction is not practical. The use of porous pavement in conjunction with a porous granular base and shallow subdrain/conveyance system has been determined to be the most cost effective means available to improve the area drainage.
- Phase I constructed two blocks of new pavement, storm sewer and sanitary sewer on Huron Circle in 2009
- This project will continue construction of 4 blocks on Huron Circle with porous asphalt pavement with concrete curb and gutter, storm sewer, sanitary sewer and water main.
- This project has been approved as a State Revolving Fund Green Project with an estimated SRF loan amount of \$1,124,978.30 and a grant in the amount of \$225,159.70. Total estimated project cost is \$1,350,138.00. The loans will be prepaid with Sales Tax Revenues.
- Project must be let by January, 2010, to be eligible for this funding.
- The project schedule is:

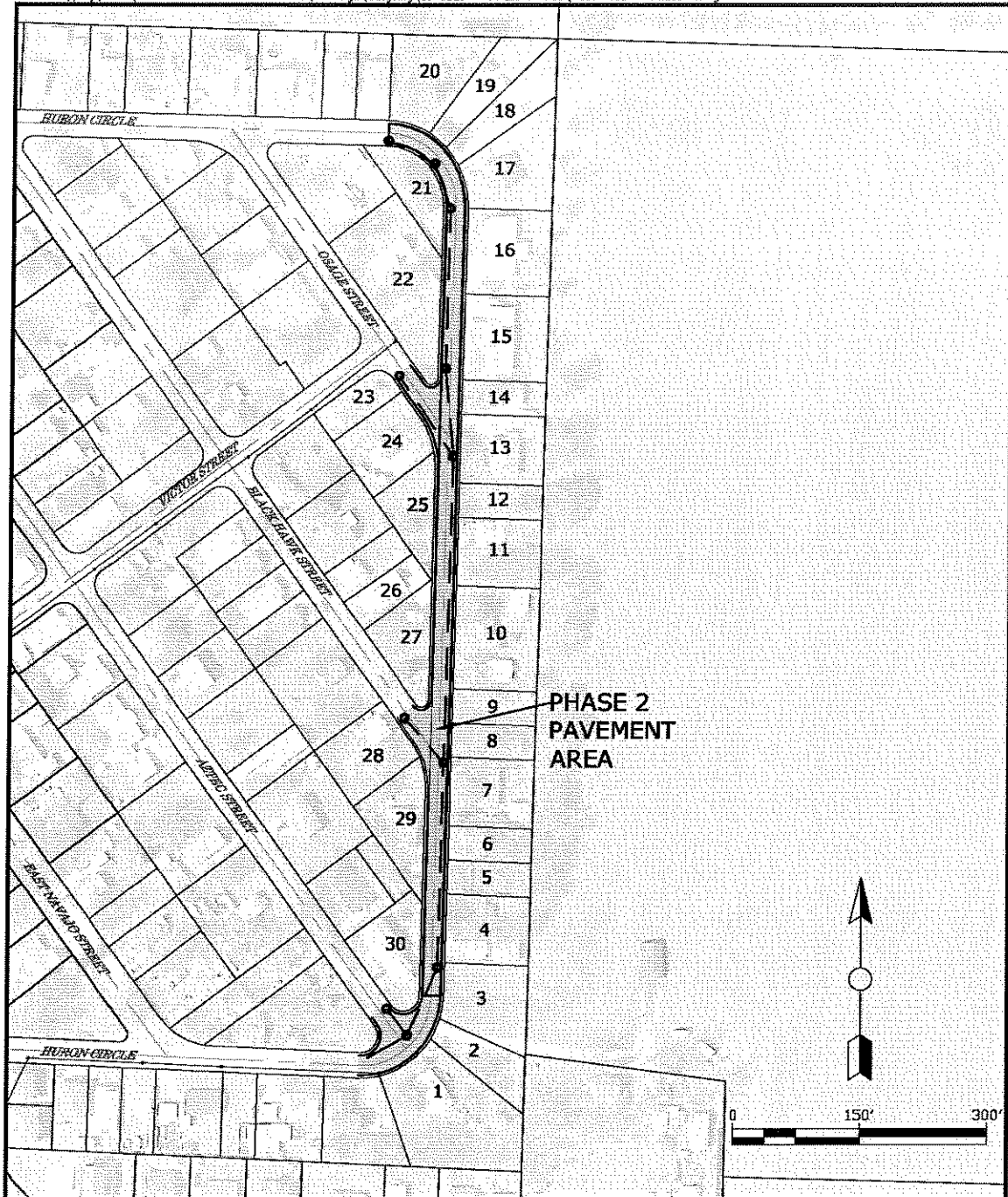
Set Public Hearing	October 26, 2009
Hold Public Hearing	November 9, 2009
Letting	December 8, 2009
Award	December 14, 2009

### RECOMMENDATION

Approval of this resolution.

---

Greg Reeder, Public Works Director



EAST MANAWA STREET SEWER  
PHASE 2

FIGURE: FIGURE 1

REVISION	NO.	DATE
DRAWN SPS	PROJECT NO. 7085-09A	DATE 5/29/09

**RESOLUTION**  
**NO 09-320**

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,  
FORM OF CONTRACT AND COST ESTIMATE FOR THE  
EAST MANAWA STORM SEWER PHASE II  
FY11-09**

WHEREAS,           the plans, specification, form of contract and cost estimate  
                          are on file in the office of the City Clerk of the City of  
                          Council Bluffs, Iowa for the East Manawa Storm Sewer  
                          Improvements Phase II; and

WHEREAS,           A Notice of Public Hearing was published as required  
                          by law, and a public hearing was held on October 26, 2009.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the  
East Manawa Storm Sewer Phase II and the City Clerk is hereby authorized to advertise for bids  
for said project.

ADOPTED  
AND  
APPROVED

November 9, 2009

\_\_\_\_\_  
Thomas P. Hanafan,                      Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,                      City Clerk

## Council Communication

<p>Department: Community Development Case No. ZC-09-008 Applicant: Virgil Anderson</p>	<p>Ordinance No. <u>6044</u></p>	<p>City Council: October 26, 2009 Planning Commission Meeting: October 13, 2009 First Reading <u>10/26/2009</u> Second Reading <u>11/9/2009</u> Third Reading <u>                    </u></p>
<p style="text-align: center;"><b>Subject/Title</b></p> <p>Rezone 15.9 acres in a portion of Lot 1, Auditor's Subdivision of the NW¼ SE¼ and a portion of Lot 2, Auditor's Subdivision of the NE¼ SE¼, all in Section 20-75-43 from R-3/Low Density Multi-family Residential to A-2/Parks, Estates and Agricultural. Location: West of Railroad Highway and north of East Kanesville Boulevard.</p>		
<p style="text-align: center;"><b>Background/Discussion</b></p> <p>Virgil Anderson is requesting rezoning of the 15.9 acre parcel located north of East Kanesville and west of Railroad Highway from R-3 to A-2/Parks, Estates and Agricultural in order to continue grading on the site. Resolution No. 06-331 approved the preliminary plan for a residential subdivision to be known as Heritage Hills on November 27, 2006. Grading was started but not completed and the site was not properly closed. Since grading and the public improvements were not completed within one year of the Council approval date, the preliminary plan became void. Virgil Anderson bought the land from RCW Enterprises, Inc. in January 2009. In March 2009, Barker Lemar Engineering Consultants, on behalf of Anderson Excavating, applied for a grading permit for the site. Since the proposed subdivision plan was no longer valid, only the activity in the 2009 Closure Plan was permitted.</p> <p>Vacation of a portion of Railroad Highway was included with the preliminary subdivision plan. The vacation was subject to completion of grading consistent with the 2006 plan and \$5,000 payment to the City for the acquisition. Grading and a detention basin were constructed in Railroad Highway right-of-way. In March 2009, when Anderson Excavating made the application for a grading permit, Public Works required a license to occupy to allow the Licensee (Anderson Excavation) to occupy a 1.039 acre portion of Railroad Highway right-of-way (See Exhibit 'A') for cleaning and maintenance of the detention basin and to grade, vegetate and maintain the right-of-way. The City granted the License to Occupy on September 24, 2009.</p> <p>Existing zoning is shown on the attached map. The future land use map in the 1994 Comprehensive Plan shows this land for multi-family residential use, with agricultural use to the north. One of the conditions accompanying the preliminary subdivision plan approval was to rezone the land to R-1 and R-2, consistent with the proposed use. The statement of intent for the A-2 district says in part 'It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of street, utilities, schools and other facilities so that reasonably compact growth can occur'.</p> <p>If rezoned to A-2, the applicant intends to seek a conditional use permit for 'extraction activity' which is defined in §15.03.267 as 'The extraction of sand, gravel, top soil or other natural material as a commercial operation exclusive of the process of grading a lot preparatory to development or construction of building'. Extraction activities are a conditional use in the A-2 District. Anderson Excavating will incorporate two other properties they own on the north which are already zoned A-2 to allow extraction in an 'orderly, responsible manner'. As extraction operations are completed, areas will be closed and sold for development purposes as noted in the letter of intent. Any further subdivision or development on the land will require rezoning and subdivision review/approval.</p> <p>MidAmerican Energy has existing overhead and underground facilities in the area. All costs to relocate or extend service will be a development cost. No other utilities are effected by the rezoning.</p> <p>The residents of 2722 East Kanesville are concerned about weeds, dust and potential for commercial use of the shared residential drive which serves the three houses along East Kanesville. They are concerned that</p>		

trucks will use the residential drive for access to the active grading site. The hours of operation are a concern, since activity was starting at 4:30 am during the summer. No other comments have been received from owners who were notified of the rezoning request.

If rezoned, the concerns noted above will be part of the review and conditions imposed on the extraction activity. The earlier problems created by grading on this site were done before the current owner purchased the land. The proposed rezoning is consistent with the intent of the A-2 District, that is to hold the land until it can be developed in a more compact manner. The current terrain needs to have significant shaping/grading to allow development to occur. If rezoned, the review of an engineered grading plan required for consideration and approval of a conditional use permit will govern the extraction activities to protect the public interest and minimize the impact on adjoining landowners.

#### **Recommendation**

The Community Development Department recommends rezoning 15.9 acres in a portion of Lot 1, Auditor's Subdivision of the NW¼ SE¼ and a portion of Lot 2, Auditor's Subdivision of the NE¼ SE¼, all in Section 20-75-43 from R-3/Low Density Multi-family Residential to A-2/Parks, Estates and Agricultural District.

#### **Public Hearing**

Tony Tauke, Attorney representing Anderson Excavating, appeared before the Planning Commission in favor of the request. No one appeared in opposition.

#### **Planning Commission Recommendation**

The Planning Commission recommends rezoning 15.9 acres in a portion of Lot 1, Auditor's Subdivision of the NW¼ SE¼ and a portion of Lot 2, Auditor's Subdivision of the NE¼ SE¼, all in Section 20-75-43 from R-3/Low Density Multi-family Residential to A-2/Parks, Estates and Agricultural District.

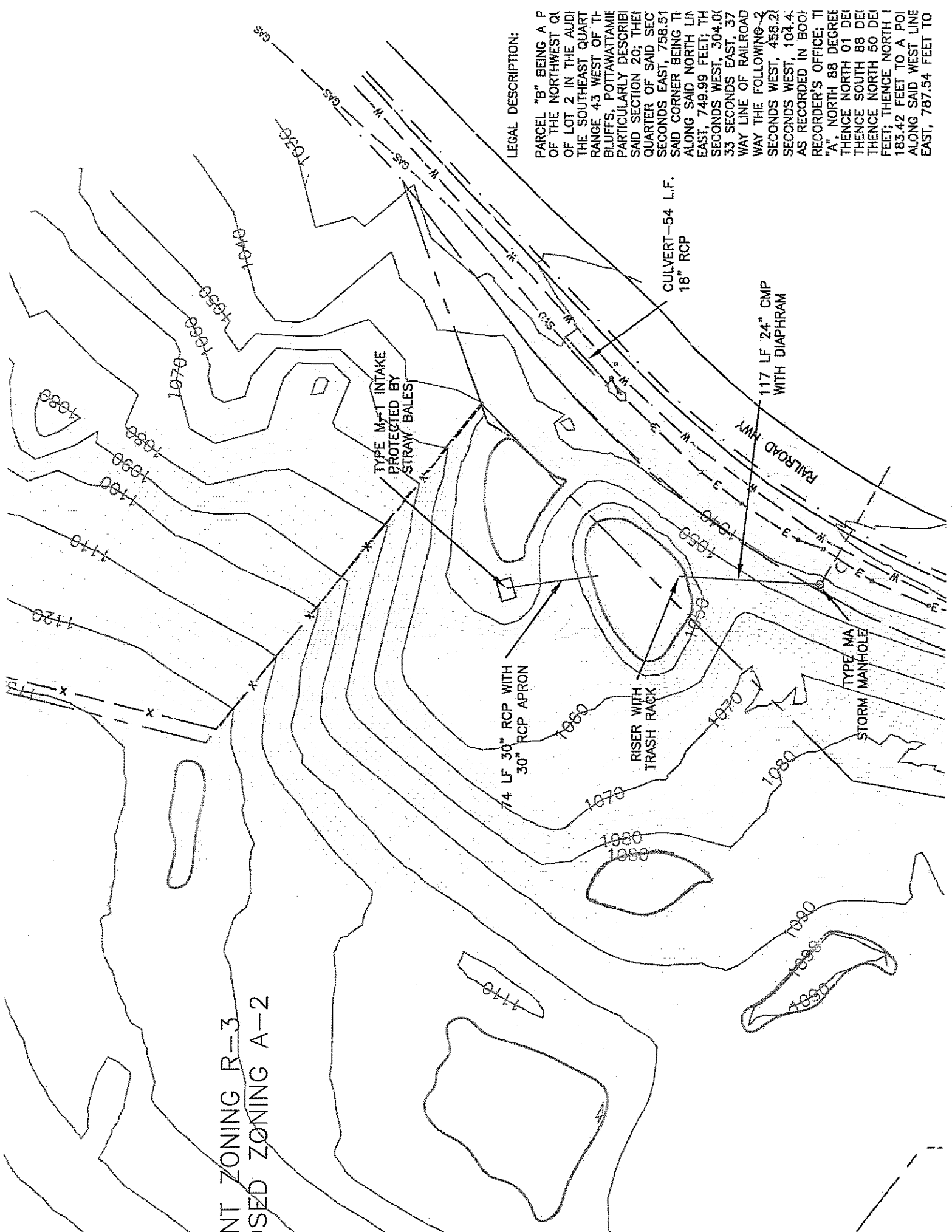
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Owner/Applicant: Virgil Anderson, 1920 Dorcas St., Omaha NE 68108  
Representative: Barker Lemar Engineering Consultants, John L. Franklin  
1801 Industrial Cir., West Des Moines, IA 50265

Attachments: Zoning Map, Letter of Intent, Rezoning/Conceptual Grading Plans and Exhibit 'A'

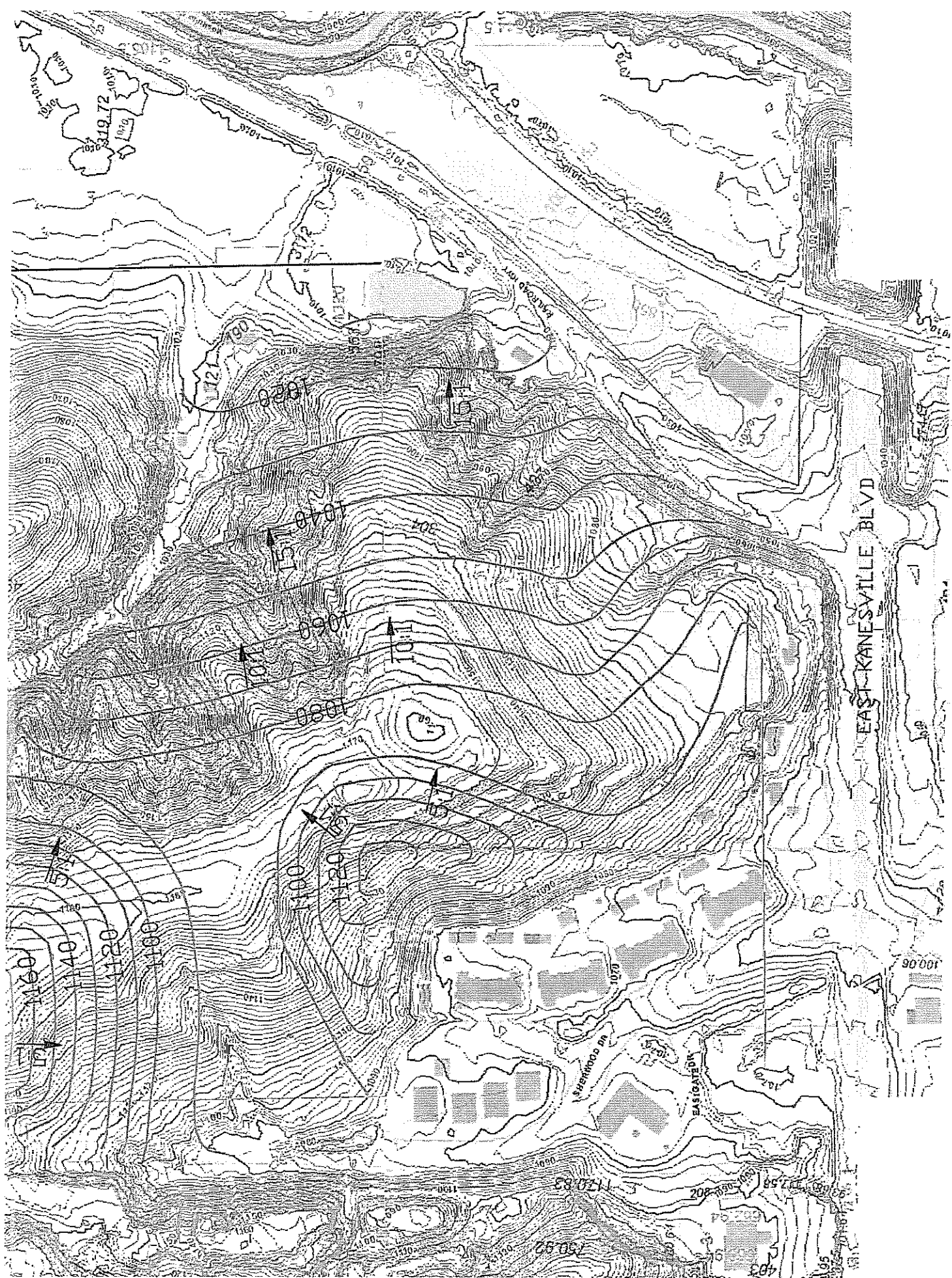
Prepared by: Gayle M. Malmquist, Development Services Coordinator

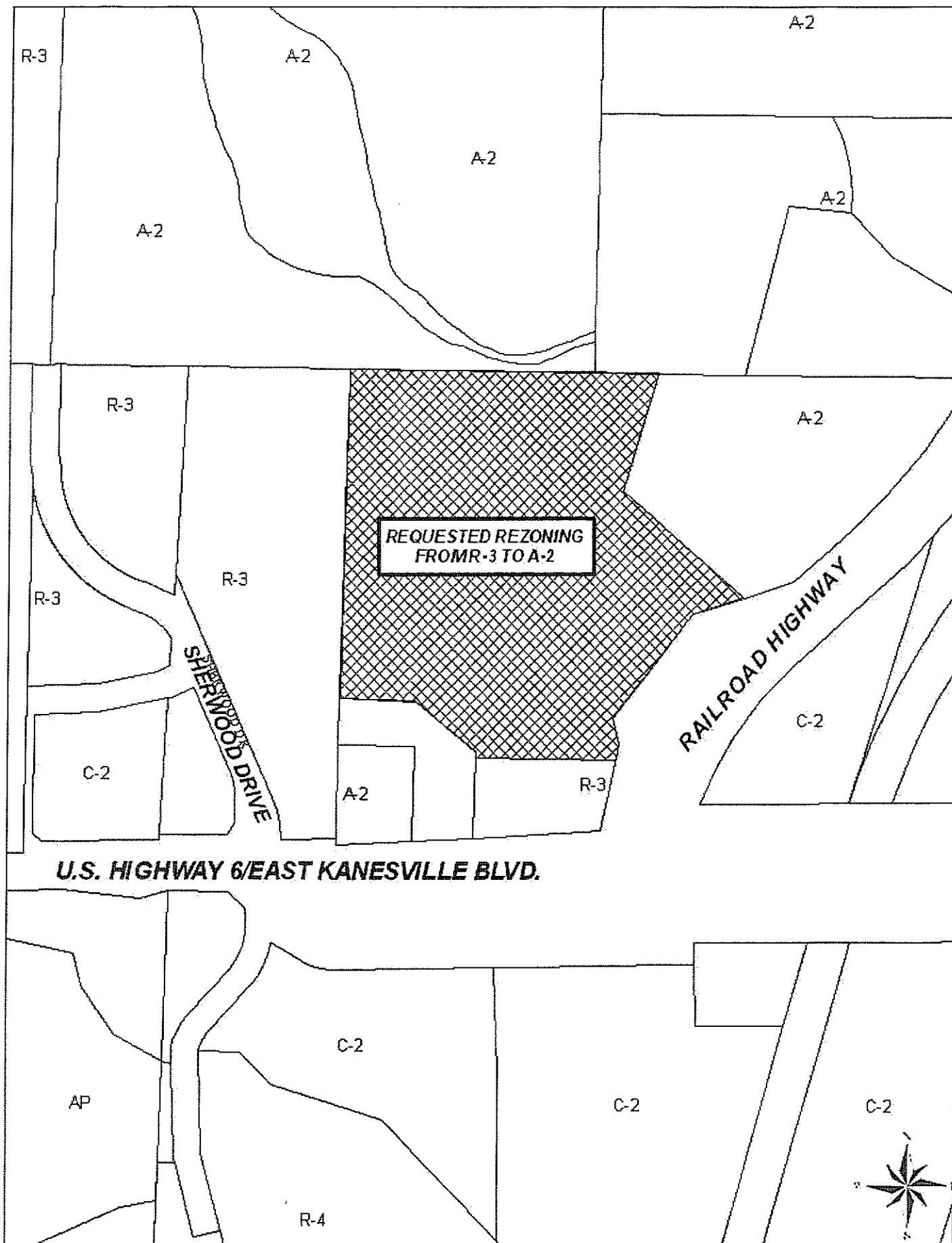
NT ZONING R-3  
SED ZONING A-2



LEGAL DESCRIPTION:

PARCEL "B" BEING A P  
OF THE NORTHWEST QU  
OF LOT 2 IN THE AUDI  
THE SOUTHEAST QUART  
RANGE 43 WEST OF TH  
BLUFFS, POTTAWATTAMIE  
PARTICULARLY DESCRIB  
SAID SECTION 20; THE  
QUARTER OF SAID SEC  
SECONDS EAST, 758.51  
SAID CORNER BEING TH  
ALONG SAID NORTH LIN  
EAST, 749.99 FEET; TH  
SECONDS WEST, 304.0  
33 SECONDS EAST, 37  
WAY LINE OF RAILROAD  
WAY THE FOLLOWING-2  
SECONDS WEST, 458.21  
SECONDS WEST, 102.4  
AS RECORDED IN BOOK  
RECORDER'S OFFICE; TH  
"A", NORTH 88 DEGREE  
THENCE NORTH 01 DE  
THENCE SOUTH 88 DE  
THENCE NORTH 50 DE  
FEET; THENCE NORTH 1  
183.42 FEET TO A POI  
ALONG SAID WEST LINE  
EAST, 787.54 FEET TO





CASE #ZC-09-008





**REZONING REQUEST NARRATIVE  
2732 E KANESVILLE BLVD  
COUNCIL BLUFFS, IOWA  
FOR  
ANDERSON CONSTRUCTION COMPANY**

RCW Enterprises, Inc. attempted to develop the property at 2732 E Kanessville Blvd, Council Bluffs into an R-3 Low Density Multi-Family Residential District. The project failed due to the steep grades on the site. The grades were too steep to obtain the lot density required to produce a successful development. The developer discontinued grading of the project site in late 2008 and did not complete the site stabilization work needed to properly close the site.

Anderson Construction Company purchased the 2732 E Kanessville Blvd. property from RCW Enterprises, Inc. in January 2009. The site was not properly closed by the previous owner before it was sold to Anderson Excavating Company. Anderson Construction submitted a Closure Plan to the City of Council Bluffs and it was approved early in the summer of 2009. Closure is now complete.

Anderson Construction Company also owns land adjacent to this site to the north and east which are currently zoned A-2 Agricultural District.

Anderson Construction Company is requesting that the 2732 E Kanessville Blvd site be returned to A-2 Agricultural District zoning.

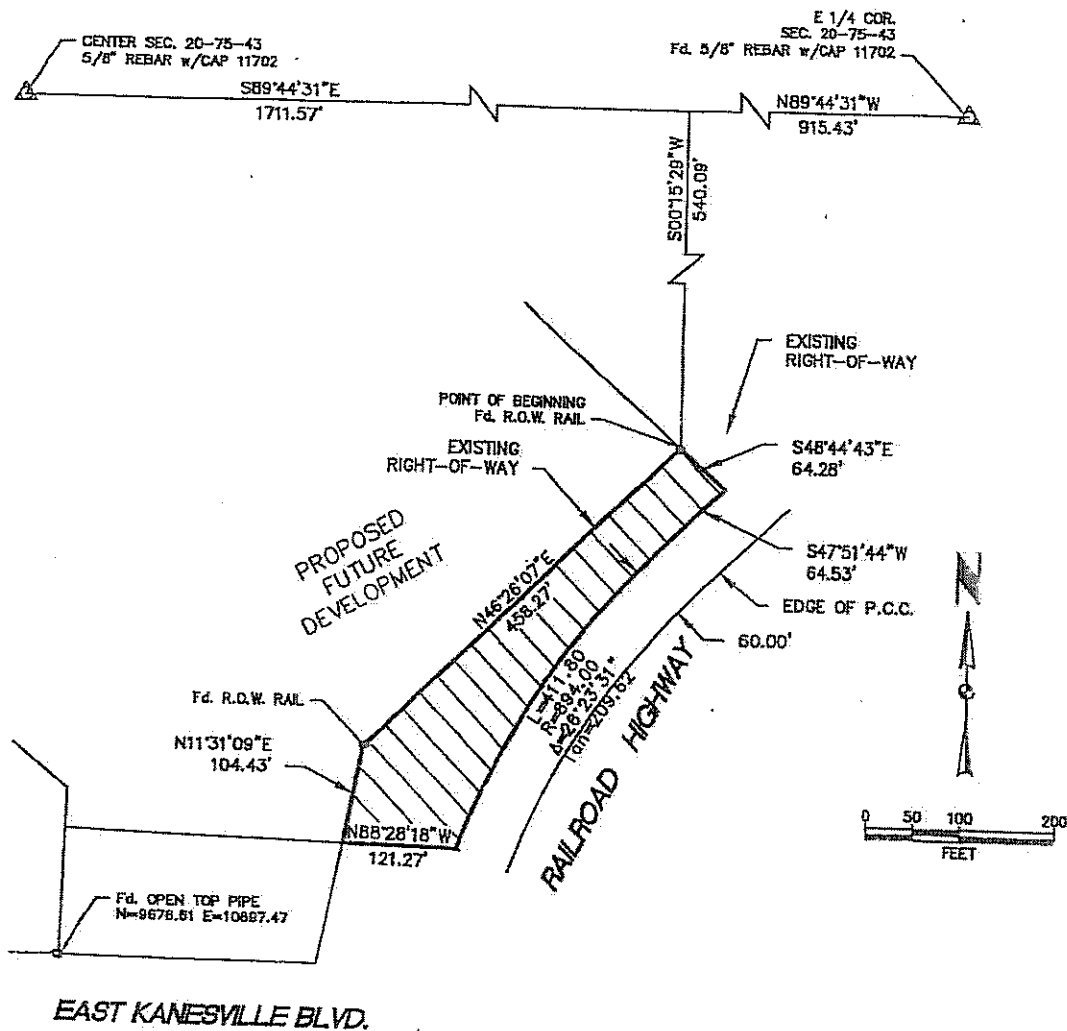
After the zoning change has been obtained Anderson Construction Company will proceed with a request for a conditional use permit for the 2732 E Kanessville Blvd. property and the other two adjoining properties. The conditional use permit would allow for the extraction of natural materials from all three sites in an orderly, responsible manner. As extraction operations are completed areas will be closed and sold as development property.

Before development occurs on this land extraction of soil is needed to reduce the slope of the property, making development more economical. At that time the developer will request rezoning to match the planned use.

fb:

ham: 10916

SRV8\SURVEY\DRAWING\10916\_CAP\--ROGERS SUB\DWG\10916\_EXCESS-ROW.DWG



ANDERSON CONSTRUCTION COMPANY  
 PROJECT NO. 09004  
 DRAWING DATE: MAY 2009

**BARKER LEMAR**  
 ENGINEERING CONSULTANTS  
 1801 Industrial Circle - West Des Moines, Iowa - 50265  
 Phone: 515.256.8814 - Fax: 515.256.0152 - www.barkerleamar.com

EXHIBIT

A

LEGAL DESCRIPTION - RAILROAD HIGHWAY

A PARCEL OF LAND LYING IN RAILROAD HIGHWAY RIGHT-OF-WAY IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20;

THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 20, NORTH 89 DEGREES 44 MINUTES 31 SECONDS WEST, 915.43 FEET;

THENCE SOUTH 00 DEGREES 15 MINUTES 29 SECONDS WEST, 540.09 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD HIGHWAY, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 48 DEGREES 44 MINUTES 43 SECONDS EAST, 64.28 FEET;

THENCE SOUTH 47 DEGREES 51 MINUTES 44 SECONDS WEST, 64.53 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 894.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26 DEGREES 23 MINUTES 31 SECONDS, 411.80 FEET;

THENCE NORTH 88 DEGREES 28 MINUTES 18 SECONDS WEST, 121.27 FEET MORE OR LESS TO A POINT ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

1. NORTH 11 DEGREES 31 MINUTES 09 SECONDS EAST, 104.43 FEET;
2. NORTH 46 DEGREES 26 MINUTES 07 SECONDS EAST, 458.27 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 1.039 ACRES, MORE OR LESS.

ANDERSON CONSTRUCTION COMPANY  
PROJECT NO. 09004  
DRAWING DATE: MAY 2009

**BARKER LEMAR**  
ENGINEERING CONSULTANTS  
1801 Industrial Circle - West Des Moines, Iowa - 50265  
Phone: 515.256.8814 - Fax: 515.256.0152 - www.barkerleamar.com

EXHIBIT

A

A.W. (TONY) TAUKE  
STEPHEN C. EBKE  
ANGELA WEATHERHEAD  
DUSTIN P. KREIFELS  
RICHARD A. PORTER (1927-1999)

**PORTER TAUKE & EBKE**  
ATTORNEYS AT LAW  
42 NORTH 2ND STREET  
P.O. Box 457  
COUNCIL BLUFFS, IOWA 51502-0457

COUNCIL BLUFFS  
CITY CLERK  
PHONE: 319-322-5588  
FAX: 319-322-8308  
E-MAIL: ptebke@qwestoffice.net

2009 NOV 2 P 3:42

November 2, 2009

Marcy Worden  
City Clerk  
City of Council Bluffs  
209 Pearl Street  
Council Bluffs, Iowa 51503

**HAND DELIVERED**

Re: Virgil Anderson request for Rezoning of 15.9 acres at  
Railroad Highway and Kanesville.

Dear Clerk:

Our office represents Virgil D. Anderson, owner of property located on the corner of Kanesville and Railroad Highway consisting of approximately 15 acres. It is my understanding that a public hearing is being held on November 9, 2009 before the City of Council Bluffs to approve the change in zoning from R3 to A2.

On behalf of Virgil D. Anderson, I would request that the Council, in addition to approving the zoning, that they would also waive a third reading to allow the change to become effective immediately.

If you have any questions with regard to this, please give me a call. Thank you for your cooperation and assistance.

Yours very truly,



A. W. Tauke

AWT: ph

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED WEST OF RAILROAD HIGHWAY AND NORTH OF EAST KANESVILLE BLVD., FROM R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL TO A-2/PARKS, ESTATES AND AGRICULTURAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.10 AND 15.05 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located west of Railroad Highway and north of East Kanesville Blvd., legally described as follows:

15.9 acres in a portion of Lot 1, Auditor's Subdivision of the NW ¼ SE ¼ and a portion of Lot 2, Auditor's Subdivision of the NE ¼ SE ¼, all in Section 20-75-43, in Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-3/Low Density Multi-family Residential to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.10 and 15.05 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2009  
APPROVED

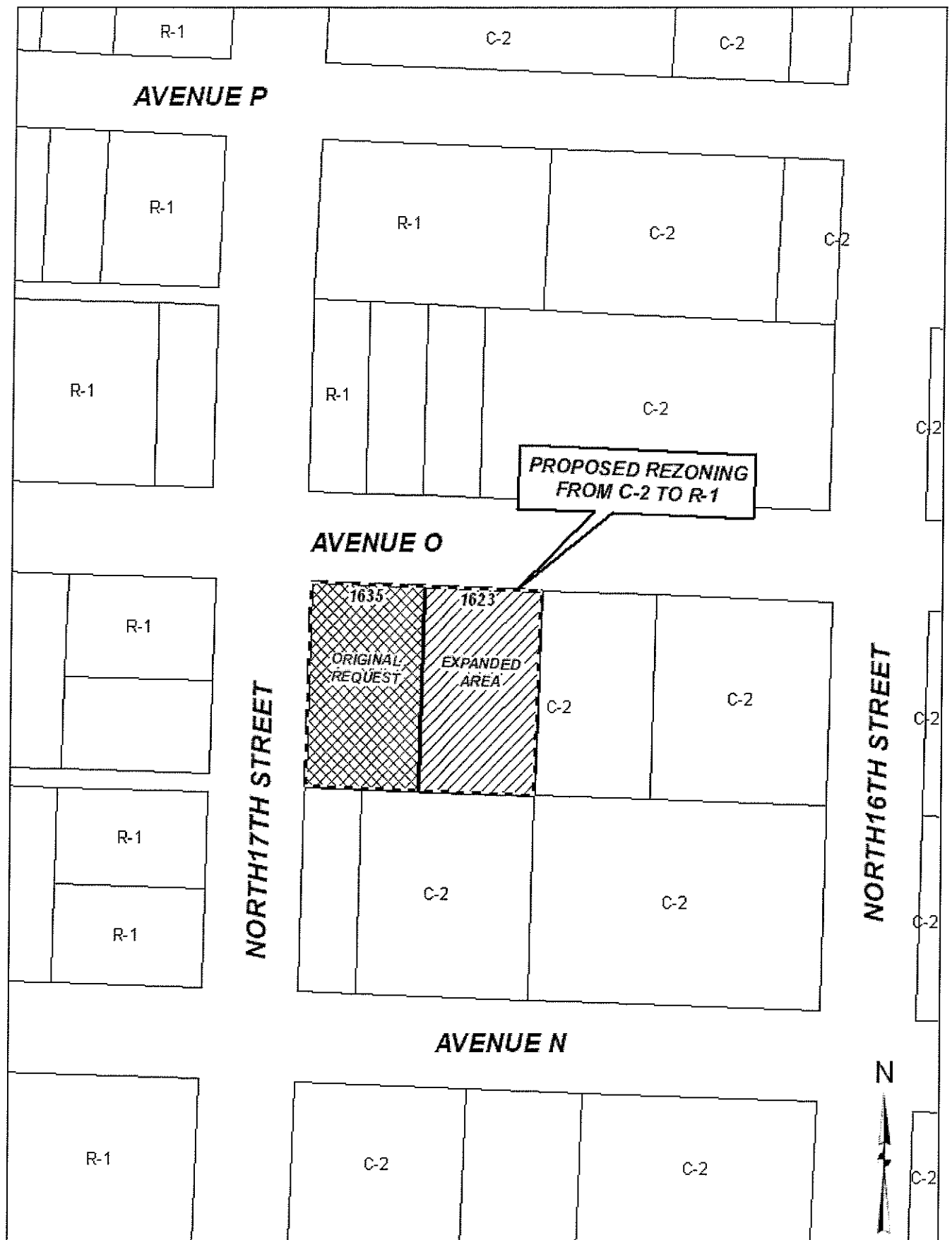
\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

## Council Communication

<p>Department: Community Development</p> <p>Case No. ZC-09-009</p> <p>Applicant: Thomas J. Allmon and Community Development</p>	<p>Ordinance No. <u>6045</u></p>	<p>City Council: October 26, 2009 Planning Commission: October 13, 2009</p> <p>First Reading: <u>10/26/2009</u> Second Reading: <u>11/9/2009</u> Third Reading:</p>
<p style="text-align: center;"><b>Subject</b></p> <p>Request of Thomas J. Allmon, 21270 Old Lincoln Highway, Crescent, IA 51526 to rezone 1635 Avenue O (Lots 75 and 76 and 1/2 vacated alley, Belmont Addition) from C-2 Commercial to R-1/Single Family Residential. The Community Development Department expanded the request to also rezone 1623 Avenue O (Lots 77 and 78 and 1/2 vacated alley, Belmont Addition).</p>		
<p style="text-align: center;"><b>Background</b></p> <p>Tom Allmon, legal option holder, is requesting the rezoning of 1635 Avenue O (recently razed) from C-2 Commercial to R-1/Single Family Residential to allow the construction of a new single family structure. The Community Development Department is also including the residential property abutting on the east.</p> <p>These parcels have always been zoned for commercial use but developed with residential uses. Land uses surrounding the subject properties include residential uses to the north and west, commercial uses to the south and vacant property to the east. Surrounding zoning is shown on the attached map.</p> <p>The owners of 1623 Avenue O have been notified by mail of the proposed rezoning. No comment has been received from them or anyone within 200 feet.</p> <p>No adverse comments have been received from any City department or utility. Water and sanitary sewer are available to serve a new residential structure.</p>		
<p style="text-align: center;"><b>Discussion</b></p> <p>The requested rezoning is consistent with the Future Land Use map of the 1994 Comprehensive Plan which shows these properties as residential. No adverse comments have been received.</p>		
<p style="text-align: center;"><b>Recommendation</b></p> <p>The Community Development Department recommends rezoning Lots 75 through 78 and ½ vacated alley adjacent, Belmont Addition from C-2 Commercial to R-1/Single Family Residential.</p>		
<p style="text-align: center;"><b>Public Hearing</b></p> <p>Thomas Allmon, the applicant, appeared before the Planning Commission in favor of the request.</p> <p>Emery Ratliff, 6711 S. 129<sup>th</sup> St., Omaha, NE, who owns nearby commercial property said he wanted to buy this property.</p>		
<p style="text-align: center;"><b>Planning Commission Recommendation</b></p> <p>The Planning Commission recommends rezoning Lots 75 through 78 and ½ vacated alley adjacent, Belmont Addition from C-2 Commercial to R-1/Single Family Residential.</p>		
<p>VOTE: AYE 10    NAY 0    ABSTAIN 0    ABSENT 1    Motion: Carried</p>		
<p><b>Attachments:</b> Map showing proposed rezoning area and surrounding zoning.</p> <p><b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department</p>		



ORDINANCE NO. 6045

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED AT 1623 AVENUE "O" AND 1635 AVENUE "O" FROM C-2/COMMERCIAL TO R-1/SINGLE FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.15 AND 15.08B OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located at 1623 Avenue "O" and 1635 Avenue "O", legally described as follows:

Lots 75, 76, 77, and 78, and one-half vacated alley, Belmont Addition, in Council Bluffs, Pottawattamie County, Iowa,

from its present designation as C-2/Commercial to R-1/Single Family Residential, as set forth and defined in Chapters 15.15 and 15.08B of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2009  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

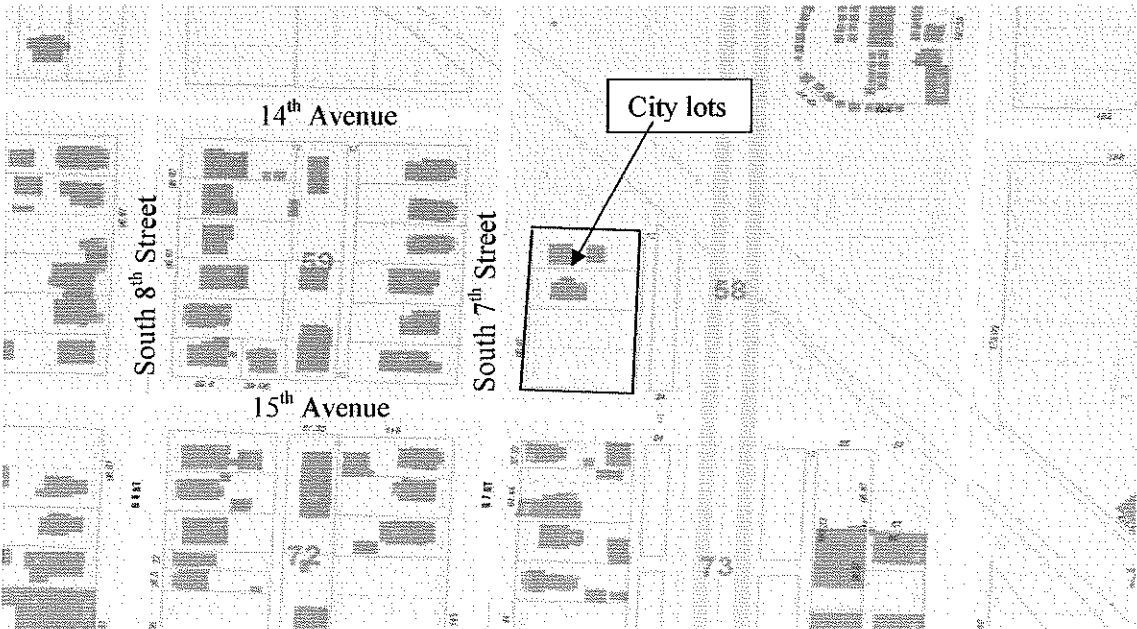
FIRST CONSIDERATION: October 26, 2009  
SECOND CONSIDERATION: November 9, 2009  
PUBLIC HEARING: November 9, 2009  
THIRD CONSIDERATION: \_\_\_\_\_



Council Communication

Department: Community Development Case No. N/A Applicant: Community Development	Resolution No. _____	Public hearing: November 23, 2009
<b>Subject/Title</b> Acquisition of a parcel owned by Robert and Jocelyn Byers along Valley View Drive for the expansion of park land and recreation uses.		
<b>Background/Discussion</b> The Community Development Department and its representatives have initiated discussion with three property owners along Valley View Drive for the voluntary acquisition of property to be used for park purposes. The properties are near existing Valley View Park. Of the three properties, two have indicated a willingness to sell voluntarily. Negotiations continue with the remaining property owner (Byers). Although every attempt will be made to acquire the Byers parcel on a voluntary basis, condemnation may be ultimately used. State law sets specific procedures to be followed on the condemnation of agricultural properties. These include a 30-day written, mailed notice along with publication. The property to be acquired includes:  <u>Robert and Jocelyn Byers:</u> part of Lots 1, 2 and 3 SW1/4 NE1/4, Part of Lot 1 in the SW1/4 NW1/4 and Part of Lots 2 and 5 in the NW1/4 NE1/4 all in Section 32, Township 75, Range 43, lying Northwest of Mosquito Creek, Council Bluffs, Pottawattamie County, Iowa.  The appropriate 30-day notice related to this property has not been sent. Therefore, the public hearing should be rescheduled for November 23, 2009 to accommodate the appropriate notifications.		
<b>Recommendation</b> Community Development Department recommends continuing the public hearing to November 23, 2009 to consider the initiation of condemnation proceedings against Robert and Jocelyn Byers along Valley view Drive for the expansion of parkland.		
Attachment: Location Map		
Prepared by: Rose E. Brown, Urban Planner Approved by Donald D. Gross, Director		

## Council Communication

Department: Community Development  Case/Project No.: N/A	Resolution No.: 09-	City Council: 11-9-09
<b>Subject/Title</b>		
Public hearing on the disposition of City owned property located in the 1400 block of South 7 <sup>th</sup> Street		
<b>Location</b>		
1409 and 1421 South 7 <sup>th</sup> Street along with adjacent City owned property, Lots 10-13, Block 58, Riddles Subdivision.		
<b>Background/Discussion</b>		
On August 10, 2009, a public hearing on the disposition of the above referenced lots was continued to November 9, 2009. The reason for this delay was the high noise levels due to the proximity of the railroad. Before any federally assisted residential construction can occur, the noise levels at this site must be mitigated. City staff is still working through the decibel calculations and has not issued the Request for Proposal for the disposition of these lots. Until the noise issues can be resolved, the lots cannot be sold.		
<b>Recommendation</b>		
The Community Development Department recommends that City Council hold the public hearing for the disposition of lots in connection with the Katelman Redevelopment Project, close the public hearing and take no action on the sale.		
<b>Attachments</b>		
 <p>The map shows a grid of streets including South 8<sup>th</sup> Street, South 7<sup>th</sup> Street, 14<sup>th</sup> Avenue, and 15<sup>th</sup> Avenue. A black rectangular box highlights a specific area on South 7<sup>th</sup> Street, with an arrow pointing to it from a label 'City lots'.</p>		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department  
 Approved by: Donald D. Gross, Director, Community Development Department

## COUNCIL COMMUNICATION

Department: Public Works

Resolution No. 09-307

First Reading 10/26/09 (Failed)

Case/Project No.: FY11-13

Resolution No. 09-322

Second Reading 11/9/2009

Applicant Greg Reeder, Public Works Director

Third Reading \_\_\_\_\_

### SUBJECT/TITLE

Council consideration of a resolution authorizing the mayor to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the Playland Sanitary Sewer Rehab

### BACKGROUND/DISCUSSION

- Based on a sanitary sewer study the sewer collection system in the Playland Park area experiences very high infiltration during high levels in the Missouri River due to associated high ground water levels.
- The area has experienced sanitary sewer collapses due to the voids caused by excessive infiltration.
- The area includes over 15,000 lineal feet of sanitary sewer mains, over 65 sanitary sewer manholes and 440 sanitary sewer laterals.
- This project will require a study and evaluation of the existing system using televised inspection to determine areas of total replacement, spot repairs and sewer main in place lining.
- Based on the study and evaluation a series of projects will be developed and prioritized for implementation over several years
- This is project FY11-13 in the CIP and is funded with \$1,000,000 in sales tax revenues
- Phase I will be constructed in the summer of 2010

### RECOMMENDATION

Approval of this resolution.

FY11-13  
PLAYLAND SANITARY SEWER REHAB





PROPOSAL FOR PROFESSIONAL ENGINEERING &  
LAND SURVEYING SERVICES  
EGA PROJECT NO 091260

October 13, 2009

Mr. Greg Reeder, Public Works Director  
Public Works Department  
209 Pearl Street  
Council Bluffs, IA 51501

Dear Mr. Reeder:

We propose to render professional engineering and land surveying services in connection with that portion of  
FY11-13 - PLAYLAND SANITARY SEWER REHAB.

Our service structure is as follows:

A. Surveying

Provide land surveying services as required to complete the preliminary and final design of the project.

B. Conceptual/Study Phase

Provide necessary testing services and prepare a study to identify and prioritize proposed improvements. Prepare conceptual drawing, cost estimate, and coordinate with the City to define the scope of the Project.

C. Preliminary and Final Design Phases

In consultation with the City, and on the basis of the accepted conceptual plans, prepare Preliminary Design documents consisting of final design criteria and preliminary drawings. Based on the information contained in the Preliminary Design documents, a revised cost estimate will be prepared.

With the approval of the preliminary Design documents, prepare for incorporation in the Contract Documents, final drawings to show the general scope, extent, and character of the work to be furnished and performed by the Contractor(s) including specifications. Provide other services as directed by the City to initiate the Bidding Phase.

D. Bidding Phase

Assist the City in obtaining bids for construction of the Project. Prepare and issue addenda as necessary to interpret, clarify, or expand the Bidding Documents. Attend the Bid opening as requested and assist the City in evaluating the Bids.

E. Construction Phase

Provide construction observation, project management, and construction staking services necessary to determine in general that work by the contractor is proceeding in accordance with the Contract Documents. The City will be kept informed of the progress of the work. Review of shop drawings, coordination of testing services, processing of change orders, and applications for payment will also be provided.

- F. Project Management  
Provide services as requested by the City not typical to technical design services.
- G. Outside Consultants/Testing  
Obtain necessary sub-consultants and testing services required for construction to be completed in accordance to the Contract Documents.
- H. Right of Way  
Coordinate and prepare necessary documentation to obtain right-of-way, easements, outside permits, and assessments.

These Professional Engineering and Land surveying services would be provided at the following fee schedule:

A.	Surveying	Lump Sum
B.	Concept /Study Phase	Hourly, not to exceed a negotiated maximum
C.	Preliminary and Final Design Phase	Lump Sum
D.	Bidding Phase	Lump Sum
E.	Construction Phase	Hourly, not to exceed negotiated % of construction (average of two low bidders)
F.	Project Management	Hourly, not to exceed negotiated maximum
G.	Outside Consultants/Testing	Billed per invoice
H.	Right of Way	Hourly

Hourly and additional or non-customary services will be charged at an hourly rate based on the following Hourly Rate Schedule:

**STANDARD HOURLY RATE SCHEDULE:**

Principal	150.00/hr.	Survey Department Manager	115.00/hr.
Engineering Department Manager	135.00/hr.	Professional Land Surveyor	87.50/hr.
Engineering Project Manager	135.00/hr.	Survey Technician	71.00/hr.
Project Engineer	89.00/hr.	Survey Crew Party Chief	87.50/hr.
Design Engineer	78.00/hr.	Survey Crew Tech. W/ EDM	87.50/hr.
Engineering Technician I	71.00/hr.	Robotic Laser EDM	87.50/hr.
Engineering Technician II	63.00/hr.	GPS Satellite Receiver	175.00/hr.
Quality Assurance Manager	90.00/hr.	Office Clerical	55.00/hr.
Construction Manager	82.00/hr.	Office Manager	88.00/hr.
Construction Observer I	75.00/hr.		
Construction Observer II	55.00/hr.		

**REIMBURSABLE EXPENSES:**

Federal/Airborne Express	30.00/ea.
Express Messenger	15.00/ea.
Mylar Copy (24" x 36")	7.00/ea.
Mylar Copy (30" x 42")	9.00/ea.
Bond Copy (8½x11)	0.30¢/ea.
Bond Copy (8½x14)	0.55/ea.
Bond Copy ( 11 x 17)	0.75/ea.
Bond Copy (24 x36)	4.00/ea.
Bond Copy (30 x 42)	5.00/ea.
Color Copy (8½x11)	1.00/ea.
Color Copy (8½x14)	1.25/ea.
Color Copy ( 11 x 17)	1.75/ea.
Color Copy (24x36)	4.00/ea.
Color Copy (30x42)	9.00/ea.

Ehrhart Griffin & Associates will bill the City monthly for services and reimbursable expenses. The aforementioned financial arrangements are on the basis of prompt payment and the orderly and continuous progress of construction.

We would expect to start promptly with the above work upon acceptance of this proposal and to complete our services according to the construction schedule.

If there are protracted delays for reason beyond our control, we would expect to renegotiate with you the basis for our compensation in order to take into consideration changes in price indices and pay scales applicable to the period when services are in fact being rendered.

Should budgetary limitations become a factor in the completion of this work, the City shall so advise Ehrhart Griffin & Associates in writing at the earliest possible date. We will endeavor to work within such limitations.

Ehrhart Griffin & Associates agrees to indemnify and save harmless the City, its officers, agents, and employees from and against any and all claims including reasonable attorneys' fees and defense costs arising out of the negligent acts, errors, or omissions of Ehrhart Griffin & Associates, its officers, agents, and employees in the execution of the services specified in this contract

In recognition of the relative risks and benefits of the project to both the City and Ehrhart Griffin & Associates, the risks have been allocated such that the City agrees, to the fullest extent permitted by law, to limit the liability of Ehrhart Griffin & Associates and their sub-consultants to the Owner and to all construction contractors and subcontractors on the project

for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of Ehrhart Griffin & Associates and their sub-consultants to all those named shall not exceed \$1,000,000.00. Such claims and causes include negligence, professional errors or omissions, strict liability, breach of contract or warranty.

This proposal letter represents the entire understanding between the City and Ehrhart Griffin & Associates with respect to the project and may be modified in writing with the signatures of both parties.

If this satisfactorily sets forth your understanding of the arrangement between us, please sign both copies of this letter where indicated. Please retain one copy for your records and return the second copy to this office.

OWNER : CITY OF COUNCIL BLUFFS

A/E: EHRHART GRIFFIN & ASSOCIATES

Signature: \_\_\_\_\_

Signature: 

By: \_\_\_\_\_

By: Robert G. Griffin, P.E.

Title: \_\_\_\_\_

Title: Principal

Date: \_\_\_\_\_

Date: October 13, 2009

Address: \_\_\_\_\_

3552 Farnam Street

City, State: \_\_\_\_\_

Omaha, Nebraska 68131

Phone: \_\_\_\_\_ Fax : \_\_\_\_\_

402/551-0631(phone)  
402/551-6540 (fax)  
E-mail: ega@ehrhartgriffin.com



**RESOLUTION**  
**NO 09-322**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
EHRHART GRIFFIN & ASSOCIATES FOR ENGINEERING SERVICES  
IN CONNECTION WITH THE  
FY11-13 PLAYLAND SANITARY SEWER REHAB**

WHEREAS,           the city wishes to make improvements known as the  
Playland Sanitary Sewer Rehab, within the city, as therein  
described; and

WHEREAS,           Ehrhart Griffin & Associates has submitted an agreement  
to provide engineering services for the work necessary  
for said improvements; and

WHEREAS,           the city council deems approval of said agreement to be  
in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an  
agreement with Ehrhart Griffin & Associates for engineering services relative to the  
Playland Sanitary Sewer Rehab project.

ADOPTED  
AND  
APPROVED

November 9, 2009

\_\_\_\_\_  
Thomas P. Hanafan,                      Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,                      City Clerk